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Date of Deposit: June 3, 2002

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Attorney Docket No. 19282-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon C.R. Bennett  
Serial No.: 09/845,541  
Filing Date: April 30, 2001  
Entitled: PACKETIZED DATA DISCARD  
Examiner: Not Yet Assigned  
Art Unit: 2661

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Commissioner for Patents and Trademarks  
Washington, D.C. 20231

**TRANSMITTAL LETTER**


Sir:

Enclosed herewith for filing in the above-identified patent application are the following documents:

1. Information Disclosure Statement Filed Pursuant to The Duty of Disclosure Under 37 C.F.R. §§1.56, 1.97 and 1.98;
2. PTO 1449 form with Listed References attached (also International Search Report enclosed); and
3. Return Postcard.

In connection with the foregoing matter, please charge any fees that may be due, to Deposit Account Number 50-0311, Ref. No. 19282-026. A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,

  
Shane H. Hunter

Registration No. 41,858  
Mintz, Levin, Cohn, Ferris,  
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One Financial Center  
Boston, MA 02111  
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Attorneys for Applicant

Date: June 3, 2002

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INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO  
THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 and 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants requests consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. §1.97  
(Select A, B or C below)

A. [X] This Information Disclosure Statement has been filed:  
(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application.
3. [X] before the mailing date of a first Office Action on the merits in the above-identified case.

- a. ☒ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.  
No fee is required.

No fee or certification is required.

B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(Check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that (Check a or b below)
  - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.  
No fee is required.
  - b. ☐ no item of Information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.  
No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(Check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A petition requesting consideration of the Information Disclosure Statement is attached.

3. The petition fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II: Information Cited

A. ☒ The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified): no non-English language references have been submitted at this time.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that anymore relevant information does not exist.

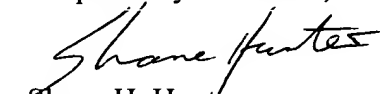
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

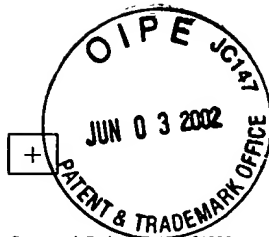
An early and favorable action is hereby requested:

Respectfully submitted,

  
Shane H. Hunter

Registration No. 41,858  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center,  
Boston, Massachusetts 02111  
Telephone 617-542-6000  
Attorneys for Applicant

Date: June 3, 2002



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PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	<b>Serial Number</b>	09/845,541
	<b>Filing Date</b>	April 30, 2001
	<b>First Named Inventor</b>	Jon C.R. Bennett
	<b>Group Art Unit</b>	2661
	<b>Examiner Name</b>	Not Yet Assigned
	<b>Attorney Docket Number</b>	19282-026

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

OTHER NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
		Suter et al, "Design Considerations For Supporting TCP With Per-Flow Queueing", Proceedings of the IEEE Infocom '98, The Conference On Computer Communications 7 <sup>th</sup> Annual Joint Conference of the IEEE Computer and Communications Society, Gateway to the 21 <sup>st</sup> Century, San Francisco, CA , March 29 - April 2, 1998, Proceedings of IEEE I, vol. 1, 29 March 1998, pages 299-306, XP000854205, ISBN: 0-7803-4384-0, Section II.B.
		LIN Y-S et al., "VLSI Design of a Priority Arbitrator for Shared Buffer ATM Switches", ISCAS '97, Proceedings of 1997 IEEE International Symposium on Circuits and Systems, Circuits and Systems in the Information Age, Hong-Kong, June 9-12, 1997, IEEE International Symposium on Circuits and Systems, New-York, N.Y. IEEE, US, vol. 4, 9 June 1997, pages 2785-2788, XP000805117, ISBN: ) 7803-3584-8, Sections 3, 4.
		Notification of Transmittal of The International Search Report or the Declaration, mailed 01/03/02.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

<b>Examiner Signature</b>		<b>Date Considered</b>	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.